

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WIRTGEN AMERICA, INC.)	
)	
<i>Plaintiff/Counterclaim-Defendant,</i>)	
)	
v.)	C.A. No. 17-770-JDW-MPT
)	
CATERPILLAR INC.)	JURY TRIAL DEMANDED
)	
<i>Defendant/Counterclaim-Plaintiff.</i>)	

[PROPOSED ORDER]

Having considered Wirtgen America, Inc.’s Motion to Compel Compliance with Third-Party Subpoena to Caterpillar Trimble Control Technologies LLC (the “Motion”) and any opposition thereto, IT IS HEREBY ORDERED THAT:

1. Wirtgen’s Motion is **GRANTED**;
2. Caterpillar Trimble Control Technologies (“CTCT”) is ordered to Search for and produce all non-privileged documents in CTCT’s possession that are responsive to Wirtgen’s Requests for Production within 14 days of resolution of Wirtgen’s Motion.

SO ORDERED this _____ day of _____, 2023.

UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I, Adam W. Poff, Esquire, hereby certify that on January 9, 2023, I caused the foregoing document to be served by email upon the following counsel:

Bindu A. Palapura
POTTER ANDERSON & CORROON, LLP
1313 N. Market Street, 6th Floor
Wilmington, DE 19801
bpalapura@potteranderson.com

James C. Yoon
Ryan R. Smith
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304
jyoon@wsgr.com
rsmith@wsgr.com

Lucy Yen
WILSON SONSINI GOODRICH & ROSATI
1301 Avenue of the Americas
40th Floor
New York, NY 10019
lyen@wsgr.com

YOUNG CONAWAY STARGATT &
TAYLOR, LLP

/s/ Adam W. Poff

Adam W. Poff (No. 3990)
Samantha G. Wilson (No. 5816)
Rodney Square
1000 North King Street
Wilmington, DE 19801
(302) 571-6600
apoff@ycst.com
swilson@ycst.com

Attorneys for Plaintiff